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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined second and third periodic reports of Timor-Leste

Constitutional, legislative and institutional framework

1. Please provide information on measures taken to adopt anti-discrimination standards, in both legislative and policy frameworks, which define and protect against direct and indirect discrimination against women. Please also provide updated information on the progress made in adopting the laws on traditional justice, on the regulation of mediation and on gender equality.

2. Please provide information on steps taken to institute regular training for the judiciary on the Convention and the Optional Protocol thereto, the general recommendations of the Committee and the State party's obligations, in the light of the information provided in the reports (CEDAW/C/TLS/2-3, para. 60).[1] Please also provide information on how the State party is enhancing the awareness and knowledge of women, in particular rural women, women with disabilities and older women, about their rights under the Convention, including the complaint procedure, and relevant national legislation. Please also provide information on cases in which the provisions of the Convention have been invoked in court.

Access to justice

3. Please provide updated information on the implementation of the witness protection law (Law No. 2/2009) and the status of the draft customary law, addressing harmful practices such as the payment of dowries, as well as on the impact on women's rights of the use of traditional justice systems to resolve cases

* CEDAW/C/62/1.

[1] Unless otherwise indicated, paragraph numbers refer to the combined second and third periodic reports of Timor-Leste.

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of domestic violence (para. 127). Please indicate steps taken by the State party to establish clear procedures for filing complaints of sex-based discrimination, to provide adequate sanctions for such discrimination and to ensure that effective remedies are available to women whose rights have been violated, as previously recommended by the Committee (see CEDAW/C/TLS/CO/1, para. 18). In the reports it is stated that the Office of the Ombudsman for Human Rights and Justice investigates complaints of discrimination (para. 5). Please provide information on the financial and human resources allocated to the Office.

4. According to information received by the Committee, barriers to women's access to justice include the low number of district courts; lenient sentences for perpetrators of domestic violence; limited protection afforded to witnesses; limited access to legal aid; and the departure of international judges and prosecutors following parliamentary resolution No. 11/2014 and governmental resolutions No. 29/2014 and No. 32/2014. Please provide information on measures taken to enhance the infrastructure and quality of the formal justice system and to promote women's access to justice, especially in rural areas.

Stereotypes

5. Please provide information on steps taken to develop a comprehensive strategy to modify or eliminate cultural practices and stereotypes that discriminate against women, addressing women and men, girls and boys, religious and community leaders, parents, teachers and officials, in collaboration with civil society, in particular women's organizations.

Violence against women

6. In the reports, the challenges faced by the Vulnerable Persons Unit (VPU) in investigating gender-based violence are acknowledged (para. 96). Please provide information on steps taken to ensure that the district units of VPU are sufficiently funded and equipped and have adequately trained staff, that the composition of their workforce reflects a gender balance and that police officers serving in VPU are assigned for long periods, as envisaged in the National Action Plan on Gender-based Violence. According to article 24 of the law against domestic violence (Law No. 7/2010), VPU is required to refer cases of domestic violence to the Office of the Public Prosecutor within five days of receiving a complaint. How many of the cases reported to VPU have been transferred in accordance with that timeline? Please also provide information on measures taken to prevent delays in prosecuting individuals accused of violence against women, including domestic violence, as well as measures to protect victims where sentencing has been suspended.

7. According to information received by the Committee, 71.3 per cent of domestic violence cases during the period 2010-2013 were charged under article 145 of the Penal Code and 53 per cent of the sentences handed down under article 145 were suspended. The Penal Code provides for the possibility to add certain conditions to a suspension. In how many cases of domestic violence where suspended sentences were imposed were specific conditions applied? In how many cases of domestic violence did courts order compensation for the victim? Please also provide information on the progress made in establishing additional shelters (para. 90) and in ensuring that there is a sufficient number of safe and adequately funded shelters in all districts, in particular for women who are victims of domestic violence,

including rural women and women with disabilities. What measures are being taken to address the heightened risk for women and girls with disabilities of becoming victims of violence and to ensure that they have access to justice and adequate support services?

Trafficking

8. Please provide information on the current status of the bill for the prevention, suppression and punishment of trafficking in persons and the National Action Plan on Human Trafficking. Please also provide information on the number of investigations and prosecutions in cases of trafficking and on the sentences imposed on traffickers, as well as on the appeal in the case cited in the reports (para. 153). Please describe any prevention efforts undertaken, including awareness-raising and capacity-building, for the early identification and protection of victims of trafficking and for the provision of rehabilitation and reintegration services.

Participation in political and public life

9. The State party acknowledges that women face numerous barriers to participation in political and public life (para. 172). While the representation of women in Parliament has increased from 25 to 38 per cent since 2009, their participation in high-level government positions (as ministers, vice-ministers and secretaries of State) has increased only slightly, from 18 to 20 per cent, since the latest restructuring of the Government. Please provide information on measures taken, including temporary special measures such as quotas and awareness-raising on the importance of the full and equal participation of women in leadership positions, to overcome such barriers and promote the equal representation of women in political and public life, including at the local level.

Education

10. Please provide updated information on steps taken to address the specific concerns expressed by the Committee in its previous concluding observations (CEDAW/C/TLS/CO/1, para. 36) and that the Committee considered either to not have been implemented or to have been implemented only partially or in regard to which it considered that it did not receive sufficient information, in accordance with its follow-up letter of 19 March 2013. According to information received by the Committee, only 65 per cent of schools in the State party have toilet facilities and only 38 per cent have toilets that regularly function with water and many girls leave school when they begin menstruating owing to the lack of adequate sanitary facilities. Please indicate whether the implementation of a gender-sensitive sanitation policy in schools has been considered and whether other steps have been taken to ensure adequate sanitary facilities in schools, especially for girls.

11. In the reports it is stated that the main reason why girls drop out of school is because they become pregnant and because of traditional beliefs regarding girls' education, poor performance in final exams, poor health and, in rare occasions, sexual violence (para. 192). Please provide information on measures taken to address those obstacles, including the implementation of policies that enable young women to return to school after pregnancy, as recommended by the Committee in its previous concluding observations (CEDAW/C/TLS/CO/1, para. 36).

12. In the reports it is indicated that there has been a significant decrease in the number of cases of sexual violence reported to the General Inspector for Education and that, of the nine cases reported in 2012, four were brought to court and five were resolved through traditional mechanisms (para. 201). Please provide information on the measures taken by the State party to encourage women and girls to report sexual violence in educational institutions to the police and to ensure that the application of traditional mechanisms does not violate the rights of victims nor result in impunity for perpetrators. Please explain why public servants working in the education system who are perpetrators of sexual violence are merely transferred to other schools. Please also provide updated information on the number of reported cases of sexual violence in schools and the sanctions imposed on perpetrators and indicate the time frame for enacting the zero tolerance for violence policy (para. 199).

Employment

13. Please provide information on the progress made towards ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization. Please indicate measures taken to adopt a gender-sensitive employment policy in the informal sector, including maternity protection (para. 211). Please provide information on measures taken to curb discrimination against women in recruitment and promotion, given that in the reports it is stated that women need higher qualifications than men to attain the same decision-making positions (paras. 223 and 236). Please describe measures taken to promote the equal representation of women in senior managerial positions in the private sector.

Health

14. Please provide updated information on steps taken to address the specific concerns expressed by the Committee in its previous concluding observations (CEDAW/C/TLS/CO/1, para. 38) and that the Committee considered either not to have been implemented or to have been implemented only partially or in regard to which it considered that it did not receive sufficient information, in accordance with its follow-up letter of 19 March 2013. Please provide information on the steps taken to ensure that all maternal deaths occurring in the State party are reported through the Health Management Information System. Please describe measures taken to ensure that affordable contraceptives and family-planning services are widely available (para. 269).

15. Please indicate the steps taken by the State party to review its legislation on abortion, with a view to removing punitive measures imposed on women who undergo abortion (para. 38). Please also indicate whether the State party has withdrawn the requirement that a woman's partner needs to be heard in order to perform an abortion legally. Please describe any steps taken to decriminalize abortion in case of threats to the life or health of the pregnant woman, rape, incest and severe impairment of the foetus.

Rural women

16. Please provide information on measures taken to design and implement gender-sensitive rural development strategies and programmes, ensuring the full

participation of rural women in their formulation and implementation. Please describe measures taken to ensure that rural women have access to health services (including sexual and reproductive health services), education, clean water, electricity and income-generating projects.

Women returnees

17. Please provide information on steps taken to adopt a national policy in line with Security Council resolutions 1325 (2000) and 1820 (2008) and on the formulation and implementation of gender-sensitive plans and programmes for social reintegration, capacity-building and the training of women returnees. Please also provide information on measures taken to ensure that women returnees who have been victims of violence, including sexual violence, have access to immediate means of redress, in accordance with the Committee's previous concluding observations (CEDAW/C/TLS/CO/1, para. 44).

Marriage and family relations

18. In the reports it is indicated that the 2011 Civil Code established the legal age of marriage at 17 years (para. 339). Please provide information about steps taken to raise the legal age to 18 years in conformity with the Convention, as previously recommended by the Committee (CEDAW/C/TLS/CO/1, para. 46). It is also indicated that the Civil Code contains a provision that sets the period of time that must pass before a person may remarry after a divorce or the death of a spouse at 180 days for men and 300 days for women (art. 1494) (para. 357). Please provide information about any plans to revise that provision, which discriminates against women.

19. In the reports it is stated that the Civil Code recognizes three forms of marriage under article 1475 (1), i.e. civil, catholic or traditional (para. 336). Please indicate the extent to which women enjoy equal rights with men in marriage and upon the dissolution of marriage. Please provide information about measures taken to promote marriage and birth registration, especially in rural areas. Please also provide information about measures put in place to prevent child and forced marriage.

Access to land and property

20. Please provide updated information on the progress made towards adopting the draft expropriation law, the real estate financial fund and the special regime for the definition of ownership of immovable property. Please indicate the extent to which those laws ensure that women have equal rights to land and property and explain the relationship between the laws and customary law and practices. Please provide information on measures taken to promote joint land titles and to ensure that customary mediation and land dispute resolution efforts protect the rights of women, including those in de facto partnerships, on an equal basis with men.

Data collection and analysis

21. Please provide updated information on efforts to systematize the collection of sex-disaggregated data on all forms of violence against women, including domestic violence, as previously requested by the Committee (CEDAW/C/TLS/CO/1, para. 30), and on the exploitation of women in prostitution or trafficking. Please

describe studies and surveys conducted on the prevalence and causes of the exploitation of women and girls in the State party. Please provide information on steps taken to put in place a system to collect data on all aspects of women's health, including the monitoring of concrete impact, as previously requested by the Committee (ibid., para. 38).

Amendment to article 20 (1) of the Convention

22. Please indicate what progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.